THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.724 of 2007

Dated: 18.01.2007

Between:

Vakkala Gadda Sambasiva Rao.

..... PETITIONER

AND

The District Collector, Krishna District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.724 of 2007

ORDER:

The land admeasuring Ac.0.03 cents marked as plot No.67 situated at Vykuntapuram, Gosala Village, Penamamulluru Mandal, Krishna District, was assigned to the father of the petitioner on 15.02.1982. He died on 26.04.1993. At that time he was survived by the mother of the petitioner, the petitioner, and two brothers and three sisters of the petitioner. After death of the mother of the petitioner on 18.06.1999, the petitioner, who was statedly in occupation of the land wanted to keep the house vacant, expecting some bad omen. At that time, third respondent, who is none other than the younger sister of the petitioner requested for permission to stay in the house, which was accordingly granted. She is admittedly now in possession of the property.

The petitioner alleges that third respondent refused to vacate the house and made application for reassignment of the house site in her favour. The petitioner apprehends that second respondent may grant patta in her favour ignoring earlier assignment in favour of his father. Therefore, instant writ petition is filed seeking a writ of Mandamus directing respondents 1 and 2 not to issue any patta in favour of third respondent.

After hearing the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General-A), this Court is convinced that the writ petition cannot be accepted. It is well settled that in a *quia timet* action the person apprehending danger to a right has to necessarily plead and prove that the injury that might ensue would be irreparable. The same has not been demonstrated in this case. As rightly pointed out the writ petition is based on an apprehension. Though, as stated, the petitioner has already approached the Mandal Revenue Officer for redressal, the same can be pursued and if the patta is granted to third respondent, the petitioner can also file an appeal before the Revenue Divisional Officer.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

18th January, 2007

ghn